



March 1, 2000

Ms. Sara Shiplet Waitt  
Senior Associate Commissioner  
Legal and Compliance Division  
Texas Department of Insurance  
P. O. Box 149104  
Austin, Texas 78714-9104

OR2000-0818

Dear Ms. Waitt:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 133528.

The Texas Department of Insurance (the "department") received a written request for certain information pertaining to Progressive County Mutual Insurance Company ("Progressive"). Specifically, the requestor seeks Progressive's "private passenger auto filings." You state that the department will release some of the requested information. You have sought a decision from this office pursuant to section 552.305 of the Government Code as to whether certain other responsive information is excepted from required public disclosure.

In accordance with section 552.305, you notified Progressive of the current records request for their records and invited them to submit arguments to this office as to why the information at issue should not be released. Representatives of Progressive timely responded to your notice and contend to this office that Progressive's "zip-to-territory groupings, vehicle-to-symbol groupings and credit rating algorithms" are excepted from required public disclosure pursuant to section 552.110 of the Government Code. However, after reviewing the information you submitted to this office as responsive to the records request, this office could not identify any of the types of information that Progressive contends are excepted

from required public disclosure.<sup>1</sup> Because Progressive does not contend that the information before us is excepted from required public disclosure, we conclude that the department must release the information at issue in its entirety.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

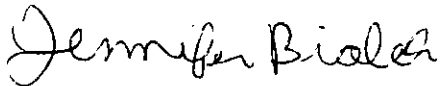
If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for

---

<sup>1</sup>Progressive's representative specifically informs us that Progressive's "agent rule guide" "does not contain confidential information from Progressive."

contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Bialek".

Jennifer Bialek  
Assistant Attorney General  
Open Records Division

JHB/RWP/ch

Ref: ID# 133528

Enclosures: Submitted documents

cc: Mr. Greg Blanchard  
701 Fifth Avenue  
Des Moines, Iowa 50391  
(w/o enclosures)

Mr. Jay A. Thompson  
Clark, Thomas & Winters  
200 Chase Bank Building  
700 Lavaca Street  
Austin, Texas 78701  
(w/o enclosures)